

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

### **REMARKS**

This amendment is responsive to the Office Action dated June 2, 2005. The claims that are pending in this case are claims 17-48. Claim 49 has been withdrawn from further consideration as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made, without traverse, in the reply filed on November 29, 2004. Examiner's reconsideration is respectfully requested in view of the present form of the claims and the following comments.

In paragraph 3 of the office action, claims 17-48 are rejected under 35 U.S.C. Section 112, first paragraph, as failing to comply with the written description requirement. The Examiner has taken the position that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner appears to object to the recitation "*locating select data including dynamic video and text data at the vendor's remote site.*" The Examiner takes the position that the specification fails to provide support for this "*locating*" step. The Examiner points to the specification, at page 41, paragraph 132, which describes a vendor calling the system to transmit and store a video presentation to a file server with an identifying product code. According to the Examiner, paragraph 133 then describes the selection of buyers associated with the same product code in order to notify the select buyers as to the availability of the video presentation. Based on this, the Examiner finds no description of locating select data at the vendor's remote site and indicates that it is the vendor who calls and transmits the video presentation to the file server.

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With respect to claim 33, the Examiner believes that it similarly recites the above subject matter, which the Examiner believes is not supported by the specification.

Applicant respectfully draws the Examiner's attention to various examples in the specification (indicated below) that describe a vendor providing video data to buyers. Clearly, such data would originate at a vendor site as it relates to a vendor and must be located or identified before it can be provided to a buyer. Despite adequate description in the specification to support the recitation of the claims as they stand, Applicant has amended claims 17 and 33 to indicate that video data relating to a vendor is identified before it is provided to a buyer.

*"In particular, the present system recognizes the need for directing and exchanging communications, such as offers and responses, between select members of plural groups or sub-groups, analyzing and compiling data relating to such members,"*

*"As a part of traffic control operations, a video display (depicting motion and color) may be provided with graphics, audio and data signals, at each communication and control station, as well as, the remote locations. The personal computers may utilize well known image enhancement techniques to facilitate high resolution images for closer observation."*

*"Additionally, data associated with a vendor (or a buyer) may be graphically displayed for convenient reference. For each scene display with respect to a specific vendor, the graphic display of pertinent data provided may, for example, indicate the telephone number, the PIN number, the video format, vendor rating, current vendor delivery status and so on."*

*"Special controls such as a mouse may be instituted enabling manifestations at the vendor location to initiate action or alter the display. Special operations also may be commanded through the videophone, video still (high quality) or high fidelity (hi-fi) video means either on manual initiative or automatically by automatic apparatus."*

*"A video recorder and/or video printer may be located at a remote vendor location, central traffic control station or buyer location for selectively or continuously obtaining a video recording or video printout of displays."*

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*"For merchandising applications, the remote specific vendor locations communicate with the central traffic control station TIS, which is located remote from the buyers' and vendors' facilities."*

*"Under control of the central traffic control system TIS, communication is provided through a dial-up public telephone system TS, between the vendor terminals L1-Ln and the buyer systems BS1-BSn. The buyer system BS1 is shown in some detail, specifically, as including a telephone interface switch SW coupled to a control computer CC for regulating a plurality of monitor stations V1-Vn."*

*"The central traffic control system TIS may initiate contact with the vendor locations L1-Ln or the buyer locations V1-Vn (in predetermined sequence or randomly) to afford communication with the designated vendor or buyer."*

*"In some situations, select frozen frames of viewings of vendor products or a specific time period of each viewing of a vendor product may be recorded on a VCR or printed using a video printer, for example two seconds (specific time period) of a twenty minute appointment for each vendor location. Such video printing may be obtained both by buyers and vendors."*

*"The traffic control system TIS also includes a video file server 37, where vendors and buyers may deposit a video recording of a product being offered by a vendor or alternatively, desired by a buyer. A block indicated at 45 and labeled "data storage" stores standard system and network software. Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups."*

*"Summarizing the extensive treatment above, the present system variously implements both online and offline communication as between vendors and buyers. The communication is considerably enhanced by video displays. Accordingly, a video file server T34 is coupled directly to the telephone interface structure T12 and to the control computer T16."*

In paragraph 4 of the office action, claims 17-29, 33-45 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Smith in view of Grady et al. The Examiner acknowledges that Smith differs from claims 17 and 33 in that it does not specify text communications between the vendor and the buyer. However, that void, the Examiner believes is easily filled by the teaching in Grady, which the Examiner asserts is from the same field of endeavor. Respectfully, Smith teaches a system, which is directed to an arrangement for

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supplying audio and video signals from separate sources to a video telecommunications station.  
Grady teaches a communications system supporting shared multimedia sessions.

Neither reference, alone, or in combination, teach the claimed system, which recites the steps of storing data associated with an active buyer, in a memory associated with the commercial transaction communication control system including buyer identification data and commercial transaction data that includes request data entered by the active buyer and selectively processing the commercial transaction data by first identifying select data including dynamic video and text data relating to the vendor and then providing the dynamic video and text to the active buyer responsive to said commercial transaction data and in some instances selectively routing the active buyer to another distinct vendor based on the request data.

In paragraph 6, the Examiner rejects claims 30-32 and 46-48 under 35 U.S.C. Section 103(a) as being unpatentable over Smith and Grady and further in view of Brown et al. The Examiner asserts that a combination of Smith and Grady differs from Brown et al., only in that it does not teach the use of EDI data. Claims 30-32 and 46-48 are dependent claims and distinct at least for the reasons urged above with respect to the claims, from which they depend.

Respectfully, Applicant urges the Examiner to reconsider her rejections in view of the arguments urged above. Favorable consideration and allowance of the claims pending here is respectfully requested.

Respectfully submitted,

Dated: December 2, 2005

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